**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)  
7431.0064

In re Application of: Matthew A. Katzer

Application No.: 10/713,476

Filed: November 14, 2003

For: MODEL TRAIN CONTROL SYSTEM

The owner\*, Matthew A. Katzer, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,676,089. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

June 23 2004

Signature

Date

Kevin L. Russell, Reg. No. 38,292

Typed or printed name

(503) 227-5631

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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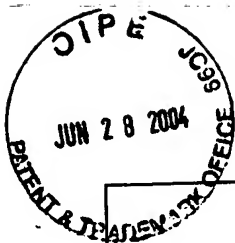
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/713,476	
	Filing Date	November 14, 2003	
	First Named Inventor	Matthew A. Katzer	
	Art Unit	3661	
	Examiner Name	Beaulieu, Yonel	
Total Number of Pages in This Submission	14	Attorney Docket Number	7431.0064

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): a Return postcard
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Kevin L. Russell, Reg. No. 38,292	
Signature		
Date	June 29 2004	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Kevin L. Russell, Reg. No. 38,292	
Signature		Date June 29 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## FEE TRANSMITTAL For FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

### Complete if Known

<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/713,476
TOTAL AMOUNT OF PAYMENT		Filing Date	November 14, 2003
(\$55.00		First Named Inventor	Matthew A. Kater
		Examiner Name	Beulier, Yonel
		Art Unit	3661
		Attorney Docket Number	7431.0064

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (Continued)			
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None				3. ADDITIONAL FEES			
<input type="checkbox"/> Deposit Account: Deposit Account Number: 03-1550 Deposit Account Name: Chernoff Vilhauer McClung & Stenzel The Director is authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.				Large Entity      Small Entity			
FEE CALCULATION				Fee Code      Fee (\$)			
1. BASIC FILING FEE				Fee Code      Fee (\$)			
Large Entity      Small Entity				Fee Description			
Fee Code      Fee (\$)				Fee Paid			
1001 770      2001 385      Utility filing fee							
1002 340      2002 170      Design filing fee							
1003 530      2003 265      Plant filing fee							
1004 770      2004 385      Reissue filing Fee							
1005 160      2005 80      Provisional filing fee							
SUBTOTAL (1)      (\$)							
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE							
Total Claims      -20** =      X      18/9      =      Fee Paid							
Independent Claims      -3** =      X      86/93      =      Fee Paid							
Multiple Dependent      290/145      =      Fee Paid							
Large Entity      Small Entity							
Fee Code      Fee (\$)							
1202 18      2202 9      Claims in excess of 20							
1201 86      2201 43      Independent claims in excess of 3							
1203 290      2203 145      Multiple dependent claim, if not paid							
1204 86      2204 43      **Reissue independent claims over original patent							
1205 18      2205 9      **Reissue claims in excess of 20 and over original patent.							
SUBTOTAL (2)      (\$)							
**or number previously paid, if greater; For Reissues, see above.							
				3. ADDITIONAL FEES			
				Large Entity      Small Entity			
				Fee Code      Fee (\$)			
				Fee Description			
				Fee Paid			
				1051 130      2051 65      Surcharge - late filing fee or oath			
				1052 50      2052 25      Surcharge - late provisional filing fee or cover sheet			
				1053 130      1053 130      Non-English specification			
				1812 2,520      1812 2,520      For filing a request for ex parte reexamination			
				1804 920*      1804 920*      Requesting publication of SIR prior to Examiner action			
				1805 1,840*      1805 1,840*      Requesting publication of SIR after Examiner action			
				1251 110      2251 55      Extension for reply within first month			
				1252 420      2252 210      Extension for reply within second month			
				1253 950      2253 475      Extension for reply within third month			
				1254 1,480      2254 740      Extension for reply within fourth month			
				1255 2,010      2255 1,005      Extension for reply within fifth month			
				1401 330      2401 165      Notice of Appeal			
				1402 330      2402 165      Filing a brief in support of an appeal			
				1403 290      2403 145      Request for oral hearing			
				1451 1,510      1451 1,510      Petition to institute a public use proceeding			
				1452 110      2542 55      Petition to revive - unavoidable			
				1453 1,330      2453 665      Petition to revive - unintentional			
				1501 1,330      2501 665      Utility issue fee (or reissue)			
				1502 480      2502 240      Design issue fee			
				1503 640      2503 320      Plant issue fee			
				1460 130      1460 130      Petitions to the Commissioner			
				1807 50      1807 50      Processing fee under 37 CFR 1.17(q)			
				1806 180      1806 180      Submission of Information Disclosure Stmt			
				8021 40      8021 40      Recording each patent assignment per property (times number of properties)			
				1809 770      2809 385      Filing a submission after final rejection (37 CFR 1.129(a))			
				1810 770      2810 385      For each additional invention to be examined (37 CFR 1.129(b))			
				1801 770      2801 385      Request for Continued Examination (RCE)			
				1802 900      1802 900      Request for expedited examination of a design application			
				Other fee (specify)      Terminal Disclaimer			
				SUBTOTAL (3)      (\$) 55.00			
				*Reduced by Basic Filing Fee Paid			

SUBMITTED BY				(Complete (if applicable))			
Name (Print/Type)		Kevin L. Russell		Registration No. (Attorney/Agent)		38,292	
Signature				Telephone		(503) 227-5631	
				Date		June 23 2004	

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